

Message Text

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PAGE 01 SEOUL 02661 180649Z

12

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

AID-05 /070 W

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P 180523Z APR 75

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC PRIORITY 9510

C O N F I D E N T I A L SEOUL 2661

E.O. 11652: GDS

TAGS: PINS PINT KS

SUBJECT: QUESTION OF CLEMENCY APPEAL FOR STAY OF PRP PRISONERS

REF: STATE 86478

1. ACCORDING TO AMNESTY LAW OF AUGUST 30, 1948
COMMUTATION OF PUNISHMENT IS PREROGATIVE OF PRESIDENT,
WHO ACTS UPON RECOMMENDATION OF MINISTER OF JUSTICE IN
CASE OF CIVILIAN COURTS AND MINISTER OF DEFENSE IN
CASE OF MILITARY COURTS. THUS, ACCORDING TO LAW COURT
MARTIAL DEFENDENTS UPON CONFIRMATION OF SENTENCE BY SUPREME
COURT, CAN AS LAST RESORT ADDRESS WITHIN FIVE DAYS
CLEMENCY PETITION TO MINISTER OF DEFENSE, WHO THEN
MUST RECOMMEND ACTION TO PRESIDENT.

2. BY ESTABLISHED PRACTICE PERSONS CONDEMNED TO DEATH
GENERALLY HAVE EXECUTION DELAYED TO PERMIT FILING OF
CLEMENCY APPEAL. IN PRP CASE SUPREME COURT CONFIRMED
SENTENCES ON APRIL 8 AND SENTENCES WERE CARRIED
OUT EARLY MORNING APRIL 9, DURING WHICH TIME LAWYERS
AND NEXT OF KIN WERE DENIED ACCESS TO DEFENDANTS.
ACCORDING TO AMERICAN MISSIONARY SOURCE CLOSE TO PRP
FAMILIES, APPEAL HAD BEEN PLANNED BY FAMILIES AND
LAWYERS TO BE FILED ON APRIL 9. SAME SOURCE INFORMED
EMBASSY THAT ON EVENING OF APRIL 8 CARDINAL KIM
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MADE LAST MINUTE APPEAL TO PRESIDENT THROUGH ACTING

DRP CHAIRMAN YI HYO-SANG FOR STAY OF EXECUTION, BUT
YI WAS REPORTEDLY REBUFFED.
SNEIDER

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NNN

Message Attributes

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Decaption Date: 01 JAN 1960
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
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Margaret P. Grafeld
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